



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Division of Health Professions Licensure
Board of Registration in Nursing

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MARYLOU SUDDERS
Secretary

MONICA BHAREL, MD, MPI
Commissioner

VIA U.S. FIRST CLASS CERTIFIED MAIL # 7012 3460 0002 3702 9297
RETURN RECEIPT REQUESTED

April 30, 2015

Marc J. Gervais, Esq.
Gervais & Davenport, P.C.
400 Trade Center, Suite 5900
Woburn, MA 01801

Re: In the Matter of Richard Kyewalabye
Docket No. NUR-2014-0090
RN License No. 2288272

Dear Attorney Gervais:

This letter is to acknowledge that the Board of Registration in Nursing ("Board") received back from you two signed original Consent Agreement for Reprimand ("Agreement"), on behalf of your client Mr. Kyewalabye, in resolution of the above-referenced complaint. The Board has signed both original Agreements, one of which is enclosed for your client's records. The effective date of the Agreement is April 28, 2015.

A copy of this letter and the Agreement will remain in complaint file Docket No. NUR-2014-0090. The file will be retained for no less than three (3) years in accordance with state public records laws.

You may contact me at (617) 973-0824 if you have any questions regarding this matter.

Sincerely,

Olajumoke Atueyi, Esq.
Board Counsel
Board of Registration in Nursing

Enclosure



I do hereby certify the foregoing to be a true and certified copy of the document on file with the Massachusetts Board of Registration in Nursing.

[Signature]

4/30/15

Authorized Signature

Date

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of
Richard M. Kyewalabye
License No. RN2288272
Expire 05/22/16
License No. LN87499
Expire 05/22/15

Docket No. NUR-2014-0090

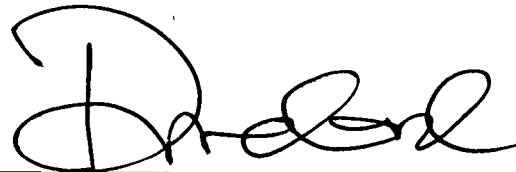
CONSENT AGREEMENT FOR REPRIMAND

The Massachusetts Board of Registration in Nursing ("Board") and Richard M. Kyewalabye (Licensee), a Registered Nurse and Licensed Practical Nurse (RN/LPN) licensed by the Board, License No. RN2288272 and LN87499, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that a complaint has been filed with the Board against his Registered Nurse and Licensed Practical Nurse (RN/LPN) licenses (license¹), identified as Docket No. NUR-2014-0090 ("Complaint").
2. The Licensee admits that while employed as a Registered Nurse at Don Orione Nursing Home in East Boston, MA on or about December 18, 2013, he improperly handled and administered controlled substances, which resulted in a medication error. The Licensee acknowledges that his conduct constitutes failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03(5), (38), (39) and warrants disciplinary action by the Board under Massachusetts General Laws (G.L.) Chapter 112, section 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions.

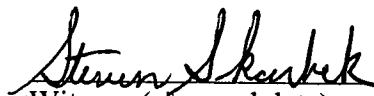
¹ The term "license" applies to both a current license and the right to renew an expired license.

3. The Board acknowledges that the Licensee remediated his practice by his successful completion of continuing education courses in nursing. The Licensee agrees that the Board shall impose a REPRIMAND on his licenses for his conduct admitted in Paragraph 2, effective as of the date on which the Board signs this Agreement (Effective Date).
4. The Board agrees that in return for the Licensee's execution of this Agreement it will not prosecute the complaint.
5. The Licensee understands that he has a right to formal adjudicatory hearing concerning the allegations against him and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the complaints.
6. The Licensee acknowledges that he has been represented by legal counsel in connection with the complaint and this Agreement.
7. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record of disciplinary action by the Board. The Board may forward a copy of this Agreement to other licensing boards, law enforcement entities, and other individuals or entities as required or permitted by law.
8. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a final act and not subject to reconsideration, appeal or judicial review.

 04/24/15

Richard M. Kyewalabye (sign and date)

STEVEN SKARBEEK
Witness (print name)

 4-24-2015
Witness (sign and date)

Rula Harb

Rula Harb, MSN, RN

Executive Director

Board of Registration in Nursing

April 28, 2015

Effective Date of Reprimand Agreement

Fully Signed Agreement Sent to Licensee on April 30, 2015 by Certified

Mail No. 76123460 0002 3702 9297